

Art Unit: 1644

### **DETAILED ACTION**

1. Applicant's amendment and response filed 7/16/08 is acknowledged and has been entered.

### **EXAMINER'S AMENDMENT**

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given by Mr. Luke A. Kilyk in a in a telephonic interview on 9/15/08.

3. In the claims: In claim 44, the limitation "an effective amount of" at line 1 has been deleted.

### **REASONS FOR ALLOWANCE**

4. The following is an examiner's statement of reasons for allowance:

- a. Claims 1, 3 and 44 are pending and are allowable.
- b. The claimed method peptide consisting of one of SEQ ID NO: 1, 2 or 3 and the composition comprising at least one of SEQ ID NO: 1, 2 or 3 is not taught or suggested by the prior art.
- c. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marianne DiBrino whose telephone number is 571-272-0842. The Examiner can normally be reached on Monday, Tuesday, Thursday and Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eileen B. O'Hara, can be reached on 571-272-0878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marianne DiBrino, Ph.D.  
Patent Examiner  
Group 1640  
Technology Center 1600  
September 23, 2008

/G.R. Ewoldt/  
Primary Examiner, Art Unit 1644